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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,224	03/10/2005	Lionel J. Milberger	DQIP-146	3229

  

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EXAMINER	
BEACH, THOMAS A	

  

ART UNIT	PAPER NUMBER
3671	

  

MAIL DATE	DELIVERY MODE
08/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/527,224	MILBERGER, LIONEL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Beach	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards 6,053,252. Edwards shows, in figures 1-3, and 5, a workover system for a subsea horizontal tree wherein a subsea drilling BOP is not utilized and a riser extends from the subsea horizontal tree towards the surface, the subsea horizontal tree comprising a tubing hanger, the tubing hanger supporting a production tubing string in a well, the well further comprising a casing string with an annulus defined between the casing string and the tubing string, the workover system having an adapter for connecting the riser with the subsea horizontal tree; lateral port (connected to 70) for communication with the annulus; a lower end of the annulus line (connected to 70) being connected to a port leading into the subsea horizontal tree for communication with the annulus; and at least one valve mounted between the lower end of the annulus line (connected to 70) and the annulus for controlling fluid flow between the annulus line (connected to 70) and the annulus, the at least one valve being mounted in at least one of either a position external to the subsea horizontal tree or a position within the tubing hanger.

As concerns claim 2, Edwards shows a receptacle mounted externally to the subsea horizontal tree for receiving and guiding a lower end of the annulus line (connected to 70) into fluid communication with the port, the at least one valve being mounted adjacent to the receptacle.

As concerns claims 3 and 26, Edwards shows a tree cap 58, and an insertable isolation sleeve 50 insertable through the tree cap 58, the isolation sleeve 50 having an end for sealing engagement with the tubing hanger.

As concerns claim 4, Edwards shows the port is spaced axially to above the tree cap 58 and communicates with the annulus along a flow path adjacent to the insertable isolation sleeve 50 through the tree cap 58.

As concerns claim 5, Edwards shows the port is defined within the adapter.

As concerns claim 6, Edwards shows a tree cap 58, and wherein the port is defined between the tree cap 58 and the tubing hanger.

As concerns claim 7, Edwards shows the port is defined below the tubing hanger. As concerns claim 8, Edwards shows a tree cap 58, the tree cap 58 and the tubing hanger being formed as separate components axially spaced apart with respect to each other.

As concerns claim 9, Edwards shows the tubing hanger defining a tubing hanger central bore therethrough in communication with the production tubing string, the tubing hanger also defining a substantially straight vertical flow path which is radially offset from the tubing hanger central bore, and the at least one valve is positioned along the

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vertical flow path for controlling fluid flow between the annulus line (connected to 70) and the annulus.

As concerns claim 10, Edwards shows a workover system for a subsea horizontal tree wherein a subsea drilling BOP is not utilized and a riser extends from the subsea horizontal tree towards the surface, the subsea horizontal tree comprising a tubing hanger, the tubing hanger supporting a production tubing string in a well, the well further comprising a casing string with an annulus defined between the casing string and the tubing string, the workover system having an adapter for connecting the riser with the subsea horizontal tree; a tree cap 58 defining a central tree cap 58 bore therethrough; an annulus line (connected to 70) for communication with the annulus; the annulus line (connected to 70) being connected to a port for communication with the annulus; and an insertable isolation sleeve 50 insertable through the tree cap 58 central bore, the isolation sleeve 50 having an end thereof for sealing engagement with the tubing hanger.

As concerns claim 11, Edwards shows the isolation sleeve 50 seals with the adapter.

As concerns claim 12, Edwards shows the isolation sleeve 50 does not seal with the tree cap 58 central bore.

As concerns claim 13, Edwards shows the isolation sleeve 50 seals with the tree cap 58 central bore.

As concerns claim 14, Edwards shows the port is defined within the adapter.

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As concerns claim 15, Edwards shows the port is defined between the tree cap 58 and the tubing hanger.

As concerns claim 16, Edwards shows the port is defined below the tubing hanger.

As concerns claim 17, Edwards shows the insertable isolation sleeve 50 insertable through the tree cap 58 central bore is available but is not utilized or has been removed.

As concerns claim 18, Edwards shows a workover system for a subsea horizontal tree wherein a subsea drilling BOP is not utilized and a riser extends from the subsea horizontal tree towards the surface, the subsea horizontal tree comprising a tubing hanger, the tubing hanger supporting a production tubing string in a well, the well further comprising a casing string, the casing string and production tubing defining an annulus therebetween, the system having an adapter for connecting the riser with the subsea horizontal tree; a tree cap 58 defining a central tree cap 58 bore therethrough; an annulus line (connected to 70) (connected to 70) for communication with the annulus; and the annulus line (connected to 70) (connected to 70) being connected to a port for communication with the annulus between the casing string and the production tubing string, the port being formed at a position below the tree cap 58.

As concerns claim 19, Edwards shows the port is defined below is the tubing hanger.

As concerns claim 20, Edwards shows an insertable isolation sleeve 50 insertable through the tree cap 58, the isolation sleeve 50 having an end for sealing engagement with the tubing hanger.

As concerns claim 21, Edwards shows a centrally positioned tubing hanger flow passageway, and a vertically extending flow passageway in the tubing hanger radially spaced from the tubing hanger flow passageway and in communication with the annulus and the port.

As concerns claim 22, Edwards shows a tree cap 58, the tree cap 58 and the tubing hanger being formed as separate components axially spaced apart with respect to each other.

As concerns claim 23, Edwards shows a workover system for a subsea horizontal tree wherein a subsea drilling BOP is not utilized, the subsea horizontal tree comprising a tubing hanger, the tubing hanger supporting a production tubing string in a well, the well is further comprising a casing string with an annulus defined between the casing string and the tubing string, the workover system having an annulus line (connected to 70) (connected to 70) for communication with the annulus; a lower end of the annulus line (connected to 70) being connected to a port leading into the subsea horizontal tree for communication with the annulus; and is at least one valve mounted between the lower end of the annulus line (connected to 70) and the annulus for controlling fluid flow between the annulus line (connected to 70) and the annulus, the at least one valve being mounted in at least one of either a position external to the subsea horizontal tree or a position within the tubing hanger; and a riser which extends towards

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the surface from the subsea horizontal tree, the riser comprising a smaller internal diameter than an outer diameter of the tubing hanger.

As concerns claim 24 Edwards shows a tree cap 58, the tree cap 58 and the tubing hanger being formed as separate components axially spaced apart with respect to each other.

### ***Response to Arguments***

3. Applicant's arguments filed 05/29/07 have been fully considered but they are not persuasive. Applicant's arguments regarding element 70 are noted; however this element still functions a lateral port in its definition.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

August 20, 2007

**THOMAS A. BEACH**  
Primary Examiner  
Group 3600